

**Merchant Mariner Medical Advisory Committee  
Bylaws**

**ARTICLE I            AUTHORITY**

As provided for in Title 46, United States Code, Section 7115, as amended by section 210 of the Coast Guard Authorization Act of 2010 (Public law 111-281), the Secretary of Homeland Security has established the Merchant Mariner Medical Advisory Committee. This Committee will operate under the provisions of the *Federal Advisory Committee Act* (Title 5, United States Code, Appendix).

**ARTICLE II            PURPOSE**

Merchant Mariner Medical Advisory Committee shall advise the Secretary on matters related to: (a) medical certification determinations for issuance of licenses, certificates of registry, and merchant mariners' documents; (b) medical standards and guidelines for the physical qualifications of operators of commercial vessels; (c) medical examiner education; and (d) medical research.

**ARTICLE III           MEMBERSHIP AND MEMBER RESPONSIBILITIES**

Section 1.     Composition. The Committee consists of 14 members, none of whom is a federal employee, and shall include 10 who are health-care professionals with particular expertise, knowledge, or experience regarding the medical examinations of merchant mariners or occupational medicine and four who are professional mariners with knowledge and experience in marine occupational requirements. Members shall be considered Special Government Employees, as defined in section 202(a) of Title 18, United States Code, and shall be subject to any administrative standards of conduct applicable to the employees of the department in which the United States Coast Guard is operating.

Section 2.     Appointments. The Secretary shall appoint the members of the Committee, and each member shall serve at the pleasure of the Secretary upon the recommendation of the Commandant of the United States Coast Guard. Appointments are personal to the member and cannot be transferred to another individual. Members may not designate someone to attend in their stead, participate in discussions, or vote.

Section 3.     Terms of Office. Each member shall be appointed for a term of five years. Any member appointed to fill the vacancy prior to the expiration of the term which that member's predecessor was appointed shall be appointed for the remainder of that term. Each appointed member is restricted to two consecutive full terms. In the event the Merchant Mariner Medical Advisory Committee terminates, all appointments to the Committee terminate.

Section 4. Certification of Non-Lobbyist Status. All members of the Merchant Mariner Medical Advisory Committee are appointed in their individual capacity and are designated as Special Government Employees as defined in section 202(a) of Title 18, United States Code. Federally registered lobbyists, as defined in section 1602(a) of Title 2, United States Code, are not eligible to serve on federal advisory committees in their individual capacity- see "Revise Guidance Notice (79 FR 47482, August 13, 2014). Special Government Employee members of the Merchant Mariner Medical Advisory Committee may not be federally registered lobbyists. If at any time after appointment, a Merchant Mariner Medical Advisory Committee Special Government Employee member registers as a Federal lobbyist with the Secretary of the U.S. Senate or with the Clerk of the House of Representatives, he or she must immediately inform the Designated Federal Officer. Also, before October 1st of each year, members of the Merchant Mariner Medical Advisory Committee appointed that year must (1) complete and sign the Department of Homeland Security Declaration Regarding Lobbyist Status Form certifying that he or she is not registered as a federal lobbyist or (2) inform the Designated Federal Officer that he or she does not qualify to complete the form. Merchant Mariner Medical Advisory Committee Special Government Employee members must submit this declaration to the Designated Federal Officer. Special Government Employee members who register as a lobbyist after the appointment or reappointment to the Merchant Mariner Medical Advisory Committee will be replaced. The Designated Federal Officer will assure that Special Government Employee candidates for appointment are not federally registered lobbyists, required by section 1603 of Title 2, United States Code to register with the Secretary of the Senate and Clerk of the House of Representatives.

Section 5. Members' Responsibilities. Because the membership of the Merchant Mariner Medical Advisory Committee is constructed to balance as many aspects and viewpoints of the industry as possible, member attendance and participation at meetings are vital. Members are expected to personally attend and participate at Committee meetings. The Commandant of the United States Coast Guard shall recommend to the Secretary that any member who is unable to fulfill their responsibility be replaced on the Committee. Members of the Merchant Mariner Medical Advisory Committee may be recommended for removal for reasons such as, but not limited to:

- A. Missing two consecutive meetings, or not participating in the Committee's work.
- B. Registering as a lobbyist after appointment.
- C. Engaging in activities that are illegal or violate the restrictions on members' activities as outlined below.

**Section 6.**

**Restriction on Members Activities.**

- A. Members may not use their access to the Federal Government as a member of this Committee for the purpose of soliciting business or otherwise seeking economic advantage for themselves or their companies. Members may not use any non-public information obtained in the course of their duties as a member for personal gain or for that of their company or employer. Members must hold any non-public information in confidence.
- B. The Committee as a whole may advise the agency on legislation or recommend legislative action. In their capacities as members of the Merchant Mariner Medical Advisory Committee, individual members may not petition or lobby Congress for or against a particular legislation or encourage others to do so.
- C. Members of Merchant Mariner Medical Advisory Committee are advisors to the agency and have no authority to speak for the Committee, the United States Coast Guard or for Department of Homeland Security outside the Committee structure.
- D. Members may not testify before Congress in their capacity as a member of Merchant Mariner Medical Advisory Committee. If requested to testify before Congress, members of the Committee:
  - (1) Cannot represent or speak for the Committee, Department of Homeland Security, any agency, or the Administration in their testimony;
  - (2) Cannot provide information or comment on Committee recommendations that are not yet publicly available;
  - (3) May state they are a member of the Committee; and,
  - (4) May speak to their personal observations as to their service on the Committee.
- E. If speaking outside the Committee structure at other forums or meetings, the restrictions in Article III, Section 6 (D) also apply.

**ARTICLE IV      OFFICIALS**

**Section 1.**      **Chairperson and Vice Chairperson.** The Secretary shall designate one member of the Committee as the Chairperson and one member as the Vice-Chairperson for a term of two years. The Vice-Chairperson shall act as Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of the Chairperson. In addition to chairing the Merchant Mariner Medical Advisory Committee meetings, the Chairperson shall assist the Designated Federal Officer (see Section 2 below) in developing meeting agendas and establishing Committee priorities.

The Chairperson shall certify the accuracy of the minutes within 90 days of the meeting to which they relate.

**Section 2. Designated Federal Officer.** The Designated Federal Officer serves as the Department's agent for all matters related to the Merchant Mariner Medical Committee and is appointed by the Director of Commercial Regulations and Standards. In accordance with the provisions of the Federal Advisory Committee Act, the Designated Federal Officer must:

- A. Approve or call meetings of the Committee and its subcommittees.
- B. Approve agendas for Committee and subcommittee meetings.
- C. Attend all meetings of the Committee, and adjourn those meetings when such adjournment is in the public interest.
- D. Chair meetings of the Committee when directed to do so by the Director of Commercial Regulations and Standards.
- E. The Designated Federal Officer is also responsible for assuring administrative support functions are performed, including the following:
  - (1) Notifying members of the time and place of each meeting;
  - (2) Tracking all recommendations of the Committee;
  - (3) Maintaining the record of members' attendance;
  - (4) Preparing the minutes, as required of all Committee meetings, including subcommittee and working group activities;
  - (5) Attending to official correspondence;
  - (6) Maintaining official records and filing all papers and submissions prepared for or by the Committee, including those items generated by subcommittees and working groups;
  - (7) Reviewing and updating information on Committee activities in the Shared Management System (aka, Federal Advisory Committee Act database) on a monthly basis;
  - (8) Acting as the Committee's agent to collect, validate and pay all vouchers for pre-approved expenditures; and
  - (9) Preparing and handling all reports, including the annual report as required by Federal Advisory Committee Act.
- F. In addition, the Designated Federal Officer may also extend a permanent invitation to government agencies with equity in the Merchant Marine Personnel Advisory Committee's activities to participate as Official Observers to the Committee and its Subcommittees. The Designated Federal Officer may also develop liaisons with other Federal Advisory Committees to provide expertise and receive input relative to the Merchant Marine Personnel Advisory Committee's purpose as defined in Article II.

Section 3. Alternate Designated Federal Officer. An Alternate Designated Federal Officer serves as an assistant to the Designated Federal Officer. An Alternate Designated Federal Officer is appointed by the Chief, Office of Merchant Mariner Credentialing, United States Coast Guard.

## **ARTICLE V            MEETING PROCEDURES**

Section 1. Meeting Schedule and Call of Meetings. Meetings of the Merchant Mariner Medical Advisory Committee may be held with the approval of the Designated Federal Officer; it is expected the Committee will meet twice per year. Members may be reimbursed for travel and per diem. All travel for Committee business must be approved in advance by the Designated Federal Officer. Committee meetings are open to the public unless a determination is made by the appropriate Department of Homeland Security official in accordance with Department of Homeland Security policy and directives that the meeting should be closed in accordance with Title 5, United States Code, subsection (c) of section 552b. All meetings of the Merchant Mariner Medical Advisory Committee, whether in person or teleconference, must be approved in advance by the Designated Federal Officer and the Designated Federal Officer (or Alternate Designated Federal Officer) must participate in each.

Section 2. Agenda. The Designated Federal Officer, in consultation with the Chairperson, shall develop and approve agendas for all Committee and subcommittee meetings, distribute agendas to members prior to the meeting, and publish the agenda in the *Federal Register* a minimum of 15 calendar days in advance of the meeting date.

Section 3. Quorum. A quorum of eight Committee members attending the Merchant Mariner Medical Advisory Committee meeting is required to vote on issues being addressed. The Designated Federal Officer will determine if a quorum exists at the beginning of each meeting of the Committee. If a quorum does not exist, the meeting may continue, but no action may be taken by the members present.

Section 4. Task Statements.

- A. The Designated Federal Officer retains sole authority for assigning all task statements to the Committee for consideration. The Designated Federal Officer may receive suggestions from Committee members, the public or the Agency in the formation of a task statement. It is the responsibility of the Designated Federal Officer to determine if the task is in accordance with the duties of the Committee as specified in the Committee's approved charter. If, after review, the Designated Federal Officer determines the task is in accordance with the duties of the Committee, the Designated Federal Officer will place the presentation of the assigned task on the agenda for the next meeting. The Designated Federal Officer shall also ensure that a copy of the assigned task is placed on the Committee website

in advance of the Committee meeting to ensure the public has an opportunity to view the assigned task statement.

- B. Once new tasking has been accepted, by Committee vote, the Committee shall establish a subcommittee and vote to designate a member (or members) to serve as the subcommittee chairperson to prepare a formal response to the Designated Federal Officer for the assigned tasking. The subcommittee chairperson will be responsible for organizing the subcommittee, preparing minutes from the subcommittee meetings, and for presenting the subcommittee's recommendations to the Committee for formal approval.

**Section 5. Voting Procedures.**

- A. Any item presented to the Committee for the Committee's approval must be made available to the public in advance of a Committee meeting, must be discussed by the Committee during the meeting, and must receive a majority vote of the Committee.
- B. Only Committee members present at a meeting may vote on an item under consideration. No proxy votes will be allowed. All votes must be recorded in the minutes of the meeting (or on the transcript if one is taken).
- C. Formal motions must take place when voting.

**Section 6. Minutes.** The Designated Federal Officer will prepare the minutes of each meeting and distribute copies to each Committee member. Minutes of open meetings will be available on the United States Coast Guard's homeport website (<https://homeport.uscg.mil/mycg/portal/ep/home.do>) under Ports and Waterways → Safety Advisory Committees → Merchant Mariner Medical Advisory Committee.

- A. The minutes will include a record of:
  - (1) The time, date, and place of the meeting;
  - (2) A list of all attendees including members, staff and the public;
  - (3) An accurate description of each matter discussed and the resolution, if any, made by the Committee;
  - (4) Copies of reports or other documents received, issued, or approved by the Committee; and
  - (5) An accurate description of public participation, including oral and written statements provided.
- B. The Designated Federal Officer will assure that the Chairperson certifies the minutes within 90 calendar days of the meeting to which they relate.

- Section 7. Open Meetings. Unless otherwise determined in advance, all meetings of the Merchant Mariner Medical Advisory Committee shall be open and announced to the public in a notice published in the *Federal Register* at least 15 calendar days before the meeting. Members of the public may attend any meeting or portion of a meeting that is not closed to the public and may offer oral comment at such meeting. If meeting materials are not provided to the public prior to the meeting with sufficient time for the public to submit written comments, meetings will include a period for oral comments unless it is clearly inappropriate to do so. Members of the public may submit written statements to the Committee at any time. All materials provided to the Committee shall be available to the public when they are provided to the members. Such materials, including any submissions by members of the public, are part of the meeting record.
- Section 8. Closed Meetings. All or parts of meetings of the Merchant Mariner Medical Advisory Committee may be closed in limited circumstances and in accordance with applicable law. No meeting may be partially or fully closed unless the Commandant of the United States Coast Guard issues a written determination that there is justification for closure under the provisions of subsection (c) of Title 5 United States Code, 552b, the *Government in the Sunshine Act* (Sunshine Act). Where the Designated Federal Officer has determined in advance that discussions during a Committee meeting will involve matters about which public disclosure would be harmful to the interests of the government, industry, or others, an advance notice of a closed meeting, citing the applicable exemptions of the *Government in the Sunshine Act*, will be published in the *Federal Register*. The notice may announce the closing of all or just part of a meeting. If, during the course of an open meeting, matters inappropriate for public disclosure arise during discussions, the Designated Federal Officer or Chairperson will order such discussion to cease and will schedule it for a future meeting of the Committee that will be approved for closure. No meeting or portion of a meeting may be closed without prior approval and notice published in the *Federal Register* at least 15 calendar days in advance. Closed meetings can only be attended by the Designated Federal Officer, Committee members, and necessary agency staff members. Presenters must leave immediately after giving their presentations and answering any questions.

## **ARTICLE VI        EXPENSES AND REIMBURSEMENTS**

The Office of Merchant Mariner Credentialing, United States Coast Guard is responsible for providing financial support to the Merchant Mariner Medical Advisory Committee.

Committee members are not compensated for their services but, upon their request, may be reimbursed for travel expenses, subsistence, and accommodations as allowed by current regulations. All travel for Committee business must be approved in advance by the Designated Federal Officer.

## **ARTICLE VII      ADMINISTRATION**

The Office of Merchant Mariner Credentialing, United States Coast Guard, is responsible for providing clerical and administrative support to the Merchant Mariner Medical Advisory Committee.

## **ARTICLE VIII      SUBCOMMITTEES**

The Designated Federal Officer may approve the establishment of subcommittees for any purpose consistent with the Merchant Mariner Medical Advisory Committee charter. Such subcommittees may not work independently of the chartered Committee and must present their work to the Merchant Mariner Medical Advisory Committee for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the Committee and may not report directly to the Federal government or any other entity. The Chairperson may designate members of the Committee and recommend to the Designated Federal Officer members of the public to serve on subcommittees or working groups. The subcommittee chairperson shall be a Committee member.

## **ARTICLE IX      RECORDKEEPING**

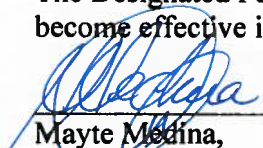
The Designated Federal Officer is responsible for maintaining all records of the Merchant Mariner Medical Advisory Committee, formally and informally established subcommittees, and other subgroups of the Committee in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, in accordance with the *Freedom of Information Act* (Title 5, United States Code, section 552).

## **ARTICLE X      RECOMMENDATIONS AND REPORTING**

Recommendations are discussed, amended as necessary, and voted upon at an open meeting. Upon approval by the Committee, recommendations are presented to the United States Coast Guard by the Committee Chairman. The United States Coast Guard tracks all Merchant Mariner Medical Advisory Committee recommendations and advises the Committee of action taken on its recommendations at its semi-annual public meetings.

## **ARTICLE XI      BYLAWS APPROVAL AND AMENDMENTS**

The Designated Federal Officer may amend these bylaws at any time, and the amendments shall become effective immediately upon approval.

  
\_\_\_\_\_  
Mayte Medina,  
Designated Federal Officer

12/12/2016  
\_\_\_\_\_  
Date Approved: